

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

INDICTMENT

- v. -

08 Cr.

FNU LNU,

a/k/a "Arca Garcia",
a/k/a "Daniel Garcia",
a/k/a "Robert Perez",

08 CRIM 453

Defendant.

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COUNT ONE

The Grand Jury charges:

1. From in or about June 2003, up to and including in or about July 2003, in the Southern District of New York and elsewhere, FNU LNU, a/k/a "Arca Garcia", a/k/a "Daniel Garcia", a/k/a "Robert Perez", the defendant, unlawfully, willfully, and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution by means of false and fraudulent pretenses, representations, and promises, to wit, FNU LNU deposited three stolen United States Treasury checks into a bank account and withdrew funds from that account.

(Title 18, United States Code, Section 1344.)

FORFEITURE ALLEGATION

2. As a result of committing the offense alleged in Count One of this Indictment, FNU LNU, a/k/a "Arca Garcia", a/k/a "Daniel Garcia", a/k/a "Robert Perez", the defendant, shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(2)(A), any property constituting or derived from proceeds obtained directly or indirectly as a result of the offenses charged in Count One.

Substitute Asset Provision

4. If any of the above-described forfeitable property, as a result of any act or omission of one of the defendants:

(i) cannot be located upon the exercise of due diligence;

(ii) has been transferred or sold to, or deposited with, a third person;

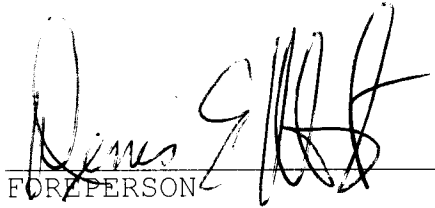
(iii) has been placed beyond the jurisdiction of the Court;

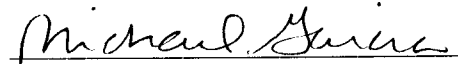
(iv) has been substantially diminished in value; or

(v) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture

of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982(a)(2)(A) and Title 18, United States Code, Section 1344.)


FORFEIT PERSON


MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
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Defendant.

INDICTMENT

08 Cr.

(18 U.S.C. § 1344)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Foreperson.

I 1777, ELLIS I

unwed

to Susan

Ind. filed.

A/W

are arranged

5/21/08